All corrections to notes on this calendar must be filed no later than 12 P.M. (noon) on 2-14-05. Documents filed after this time will not be reviewed before the hearing and will likely result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

Superior Court of Calif, County of San Bernardino

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CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: BG BS00411

CASE NAME: DAVID AND FERYNN CORTINAS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LORENA M SANDOVAL (PET)...PRO/PER

DAVID C CORTINAS (MIN)...

FERYNN N CORTINAS (MIN)...CALDWELL, KENNEDY & PORTER

DAVID C CORTINAS (MIN)...

FERYNN N CORTINAS (MIN)...CALDWELL, KENNEDY & PORTER

ROBERTA D FRANCOIES (PET)...PRO/PER

GENERAL INFORMATION: Temporary letters issued 1/6/05 to Roberta Francoies, paternal grandmother. Court appoints Attorney Jeanne Kennedy as counsel for minors. Court orders visitation by Lorena Sandoval on first, third and fourth weekends of each month from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother Lorena Sandoval, minors 5 (DOB: 9/16/99) and 5 (DOB: 1/16/00) (**Petition #1**)

Competing petition for guardianship filed by paternal grandmother, Roberta Francoies (**Petition #2**)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

Petition #1:

- 1. Court referred matter to Court Investigator. Awaiting report.
- 2. Need notice of hearing and proof of personal service to mother and father.

3. There is no order prescribing/dispensing with notice. However, need notice of hearing and proof of mailed service to Court Investigator and paternal grandfather. Notice to paternal grandmother can be deemed waived due to competing petition filed and prior appearance.

Petition #2:

- 1. Awaiting Court Investigator report.
- 2. Need notice of hearing and proof of personal service to mother and father.
- 3. There is no order prescribing/dispensing with notice. However, need notice of hearing and proof of mailed service to Court Investigator and paternal grandfather. Notice to maternal grandmother can be deemed waived due to competing petition filed and prior appearance.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

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CASE #: BG BS00411

CASE NAME: DAVID AND FERYNN CORTINAS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LORENA M SANDOVAL (PET)...PRO/PER

DAVID C CORTINAS (MIN)...

FERYNN N CORTINAS (MIN)...CALDWELL, KENNEDY & PORTER

DAVID C CORTINAS (MIN)...

FERYNN N CORTINAS (MIN)...CALDWELL, KENNEDY & PORTER

ROBERTA D FRANCOIES (PET)...PRO/PER

See prior notes in matter 1.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00276

CASE NAME: MTR OF LENA ANN ADALEEN PEDEN

HEARING:

FIRST and Final Account and Report.

COUNSEL:

LINDA LEEANN PREST (PET)...PRO/PER

LENA ANN ADALEEN PREST (PCE)...

MELODIE Z SCOTT (PET)...SHERRI L KASTILAHN

CHARLES RAY SEALS (OBJ)...

ALAN C SIDERS (PRO/PER)...PRO/PER

GERALD R LUNDBERG (LUNDBERG & BAXTER LLP

ALAN CHRISTOPHER SIDERS (LUNDBERG & BAXTER LLP

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00415

CASE NAME: MTR OF VARSHA YELAMANCHILI

HEARING:

Hearing Re: REMOVAL OF CONSERVATOR.

COUNSEL:

RAJEEV YELAMANCHILI (PET)...STANLEY W HODGE KAMLESH YELAMANCHILI (PET)...STANLEY W HODGE

VARSHA YELAMANCHILI (PCE)...

GENERAL INFORMATION: The Order Appointing Conservator was granted on 4/2/04. However, no Letters of Conservatorship have been issued. Continued from 9/10/04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re Removal of Conservator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

- 1. Still no letters issued.
- 2. Still no inventory and appraisal filed

RECOMMENDATION:

Issue Citation and have it personally served on co-conservators and counsel. There is no bond company to notice as no bond was ordered issued.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

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DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00424

CASE NAME: MTR OF PAMELA YVONNE BAXTER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DONALD EARL BAXTER (PET)...JANIS L HILKE

PAMELA YVONNE BAXTER (PCE)...SHERRI L KASTILAHN

BARBARA GUERRY (TP)...HARCOURT HERVEY

GENERAL INFORMATION: Temporary letters were issued 2/4/04 for a general conservatorship. Petitioner filed an amended petition for a limited conservatorship, as the conservatee is developmentally disabled. Matter continued from 6/11/04, 10/15/04 and 12/3/04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for limited conservatorship, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

- 1. File return of citation.
- 2. Inland Regional Center report is in the file.
- 3. Conservatee CAN complete the voter affidavit
- 4. Conservatee does not wish counsel appointed. However, the appointment of counsel appears mandatory under Pr.C.§ 1471. Attorney Kastilahn appointed for conservatee.
- 5. Petitioner seeks Pr.C. § 2351.5 powers. Conservatee has Downs Syndrom and has lived with family her entire life. (Conservatee is 43.) Claims conservatee needs assistance with financial and emotional needs. Judge to decide.
- 6. Objections have been filed by Barbara Guerry, sister of conservatee. The objector indicates that a limited conservatorship is better for the conservatee and requests that the petitioner not be appointed. She does not suggest

who the limited conservator ought to be. She demands mandatory mediation and that she be provided with all Inland Regional Center reports. She further demans a full psychiatric evaluation of the cosnervatee.

RECOMMENDATION:

Review Inland Regional Center report. Set for contested hearing.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00443

CASE NAME: MATTER OF CONSTANCE ILENE GINN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MICHAEL W GINN (CPE)...LAYNE A BARTHOLOMEW JACQULYN K GINN (CPE)...LAYNE A BARTHOLOMEW CONSTANCE ILENE GINN (CEP)...JANET M HERRING

GENERAL INFORMATION:

Final Inventory & Appraisal filed 12/27/04 Accounting Review already set for 10/15/05

RECOMMENDATION:

Matter can go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00444

CASE NAME: MATTER OF JACQUELINE R RUDOFF

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

TERRY E CALDWELL (CE)...CALDWELL, KENNEDY & PORTER, A. JACQUELINE R RUDOFF (CTE)...

GENERAL INFORMATION:

Final Inventory & Appraisal filed 11/10/04 Accounting Review already set for 10/14/05

RECOMMENDATION:

Matter can go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

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DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00446

CASE NAME: MATTER OF RALPH THRASHER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARIA THRASHER (CPE)...DAVID & TURNER

RALPH THRASHER (CEP)...

GENERAL INFORMATION: Letters of Conservatorship issued 8/26/04

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. The inventory was statutorily due on 11/26/04. No inventory and appraisal filed.

RECOMMENDATION:

Court may wish to set OSC re: failure to file documents..

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

.....

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00454

CASE NAME: MTR OF ARMAND F GAUTHIER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

PAMELA BORCHMANN (PET)...DAVID W BROWN ARMAND F GAUTHIER (PCE)...SANDRA L TURNER

GENERAL INFORMATION: Temporary orders granted on 11-1-04. However, letters have not issued.

THIS CASE IS SET FOR HEARING ON petition for conservatorship of the person and estate, by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

- 1. File return of citation.
- 2. The court ordered bond in the amount of \$10,000. However, bond has not been filed. The petitioner also requested powers under 2590. If those powers are granted, bond should be set in the amount of \$223,000.
- In the request for 2590 powers, the petition has requested the power to sell conservatee's real property. If this property includes the conservatee's home then a hearing under Pr.C. § 2540 should be required. Additionally, the court should require that any sale be subject to a confirmation of sale by the court.
- 4. Petitioner also seeks 2590 powers to make medical decisions. The statement is unclear. If the petitioner is requesting medical powers then it should not be under section 1(d) of the petition, it should be under section 1(g), which is not checked. Additionally, it sounds as if the petitioner is requesting a uthority to place conservatee in a locked facility. This could be an incorrect interpretation of the statement that conservator is requesting

"authority to have conservatee placed in a home if needed." However, when one combines this statement with the statement that conservatee suffers from Alzheimers (section 5[b] of the petition) it would appear to be a real possibility. If this is the case, then the box requesting dementia powers at section 1(k) of the petition should have been checked. At any rate, if this is the intent then the petition should be amended to properly reflect the requests of the petitioner. However, the request clearly does not belong under a 2590 request.

- 5. Petitioner also seeks authority to employ attorneys, accountants, etc. If this power is granted any payment of fees should be subject to court approval.
- 6. Court Investigator report filed. No adverse findings.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-12-05. Set hearing for accounting review for 3-24-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS117

CASE NAME: MTR OF STERLING J OSMON

HEARING:

Accounting Review

COUNSEL:

FRANKIE M OSMON (PET)...PRO/PER

STERLING J OSMON (CPE)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C.§ 2620.2

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

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DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS00670

CASE NAME: MTR OF DANIEL SANCHEZ

HEARING:

Petition for TO TERMINATE RESTRAINING ORDER *

COUNSEL:

DANIEL SANCHEZ (MIN)...ANN LEWIS

LORRAINE R RODRIGUEZ (PET)...

DONALD SANCHEZ (RES)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to terminate restraining order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. On 9-20-01 this court, Commissioner Proulx sitting, terminated the guardianship of the minor with certain conditions. Those conditions included visitation for the former guardian Lorraine Rodriguez. Item 11 of the order stated: "Frank Terriquez shall have no contact with the minor child." I can find nothing in the file indicating why this order was made, but nonetheless it was the order of the court.
- 2. Former guardian now requests that this restraining order be lifted due to the fact that she and Terriquez are now married. They married on 7-19-04.
- 3. File notice of hearing and proof of service on father of the minor and the minor who is now 12 years old.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01191

CASE NAME: MTTR OF MARQUIS BARNES

HEARING:

Hearing Re: STATUS.

COUNSEL:

SANDRA WHISENHUNT (PET)...PRO/PER

MARQUIS BARNES (MIN)...

GENERAL INFORMATION: At hearing on 7/30/04 guardian informed Court of her desire to move to Casper, Wyoming for indefinite period. Court ordered fixing residence outside of California. Continued from 11-5-04. Clerk has given notice. Nothing new filed.

THIS CASE IS SET FOR HEARING re: Status of establishment of Wyoming guardianship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Nothing new filed

RECOMMENDATION:

If nothing filed by time of hearing suggest that the court terminate guardianship in this state and send notice to petitioner.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

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DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01475

CASE NAME: GUARDIANSHIP OF ETHAN EDWARD/MAKAYLA SKY RODINE

HEARING:

Hearing Re: REVIEW.

COUNSEL:

EDWARD RODINE (PET)...PRO/PER CORINNE RODINE (PET)...PRO/PER

ETHAN EDWARD RODINE (MIN)...
MAKAYLA SKY RODINE (MIN)...

ANTHONY RODINE (OBJ)...THE HEGNER LAW FIRM

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. On 7-23-04 the court approved a stipulation by the parties. This matter is on for review of that stipulation. See blue tab in file for stipulation.
- 2. Nothing new filed.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01535

CASE NAME: MTR OF ANDRIANNA MICHELLE MCEACHREN

HEARING:

Petition for Termination of Guardianship

COUNSEL:

JUDY MCEACHREN (PET)...PRO/PER FELIPE ARELLANO (PET)...PRO/PER

ADRIANNA MICHELLE MCEACHREN (MIN)...SHERRI L KASTILAHN

ADRIAN MCEACHREN (PET)...PRO/PER

GENERAL INFORMATION: After hearing on petition for guardianship Court indicated that Father was to file petition to terminate. That petition has now been filed. Continued from 8/20/04, 9/17/04,11-5-04 and 1-14-05. Court appointed Attorney Sherri Kastilahn as counsel for minor. On 11-5-04 the guardians indicated that they were opposed to the termination. They have not filed formal objections. Matter was continued at the request of court appointed counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

- 1. Notice appears complete.
- 2. It should be noted that there was a custody matter in LA Superior Court. The minute order from 6/25/04 does not reflect what occurred in the LA matter. Per the report of court appointed counsel the LA court awarded custody to the mother in New Mexico. Mother then nominated the temporary guardian in this case.
- 3. Report of counsel for minor filed.

RECOMMENDATION:

Court should order quardians to file formal objections.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01749

CASE NAME: MATTER OF KLAWDYA AGUAYO

HEARING:

Petition for Appointment of Guardian

COUNSEL:

VERONICA ARREDONDO (PET)...PRO/PER

KLAWDYA AGUAYO (MIN)...

GENERAL INFORMATION: Temporary letters issued 10-5-04. Continued from 11-12-04. Court ordered father to file written objections. No objections filed. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.) Father was given supervised visitation. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal aunt, minor 13

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File notice of hearing and proof of service per order prescribing notice.
- 2. File indicates that notice is waived to the minor, as she has signed a consent and waiver. Do not see consent and waiver in file.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01768

CASE NAME: MATTER OF SORIANO, ANDREW, LOGAN & MADISON

HEARING:

Petition for Appointment of Guardian

COUNSEL:

GAEL MORGAN (PET)...PRO/PER CAROL MORGAN (PET)...PRO/PER

ANDREW SORIANO (MIN)... LOGAN SORIANO (MIN)...

MADISON SORIANO (MIN)...VALERIE SIMMONS

GENERAL INFORMATION: Temporary letters issued 11-3-04. Continued from 12-10-04. Father given visitation pursuant to recommendation of F.C.S. Court Investigator report now in the file. Father indicating that he objects. Court ordered him to file written objections. No objections filed. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.) Court has appointed Attorney Simmons to represent the minor children.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minors 5, 3, and 8 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Matter referred to Court Investigator. Report is in the file.
- 2. File notice of hearing and proof of personal service on Heather and Rosendo Soriano.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01769

CASE NAME: MATTER OF MERANDA & CALEB PATTERSON

HEARING:

Petition for Appointment of Guardian

COUNSEL:

BOBBY PATTERSON (PET)...DAVID & TURNER YOLANDA PATTERSON (PET)...DAVID & TURNER

MERANDA PATTERSON (MIN)...
CALEB PATTERSON (MIN)...

GENERAL INFORMATION: Temporary letters issued 11-4-04. Continued from 12-10-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minors 1 and 7 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on mother. We have only mailed service on mother. Mother did appear and object. Court ordered mother to file written objections and be subject to random drug tests. No objections filed. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.) Did court still wish to require written objections? As mother appeared and objected, did court wish to require personal service on mother?

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01810

CASE NAME: MATTER OF DELAPP & GAONA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

TERESA MONTOYA RANGEL (PET)...PRO/PER

RICHARD RANGEL (PET)...PRO/PER

ASHLEY DELAPP (MIN)...

ANDRE DELAPP (MIN)...JOAN NELMS

ALLYSSA GAONA (MIN)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

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DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01813

CASE NAME: MATTER OF VELEZ/HOHMAN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

AMY IMES (PET)...PRO/PER JESSICA NICOLE VELEZ (MIN)...

KIMBERLY ANNE HOHMAN (MIN)...SANDY TURNER

GENERAL INFORMATION: Temporary letters issued 1-6-05 as to the minor Kimberly only. Orders denied as to Jessica.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by cousin, minors 15 and 14.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File notice of hearing and proof of personal service on mother and both minors. Father has signed consent and waiver.
- 2. File notice of hearing and proof of mailed service on maternal grandfather, all siblings 12 and over and Court Investigator.
- 3. Mother is apparently objecting. Court should order her to file written objections.
- 4. Court has ordered a Court Investigator report. We are awaiting report.
- 5. Court has appointed Attorney Turner for the minors.
- 6. What degree of cousin is petitioner? If more distant than first, then D.C.S. report required.

RECOMMENDATION:

Require mother to file written objections.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

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DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01814

CASE NAME: MATTER OF ANDREW M HARRIS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

ANTWANZA WOODEN (PET)...PRO/PER

ANDREW M HARRIS (MIN)...

GENERAL INFORMATION: Temporary orders were denied.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by caregiver, minor 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Petitioner not related to minor. Need D.C.S. report.
- 2. Petitioner alleges that father was incarcerated for life and has just died. Did court wish to order petitioner to provide a copy of a death certificate?
- 3. Mother has had no contact with the minor since he was 1 year old. Petitioner was only able to obtain the mother's name from the birth certificate. Did court wish to waive notice to mother and maternal grandparents?
- 4. File notice of hearing and proof of mailed service on paternal grandmother and Court Investigator.
- 5. Court may wish to review confidential screening form.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

.....

CASE #: VG VS01815

CASE NAME: MTR OF DAVION, DEVIN & DORIAN GRAYSON

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LEILANI BRYANT (PET)...PRO/PER

DAVION GRAYSON (MIN)...
DEVIN GRAYSON (MIN)...
DORIAN GRAYSON (MIN)...

GENERAL INFORMATION: Temporary letters issued 1-11-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by stepmother, minors 12, 4 and 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Minor, Davion, signed consent and waiver.
- 2. File notice of hearing and proof of service per order prescribing notice, except additional notice on Davion has been waived.
- 3. Court may wish to review confidential screening form.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/18/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01817

CASE NAME: MATTER OF GARCIA/CONTRERAS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

JOSE S NAVARRETE (PET)...PRO/PER

SALINA GARCIA (MIN)...
CECELIA CONTRERAS (MIN)...

GENERAL INFORMATION: No file available for review.

Superior Court of Calif, County of San Bernardino Page: 1

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VC VS00403

CASE NAME: CONSERVATORSHIP OF JERRY R. JONES, SR.

HEARING:

Hearing Re: 2ND PETN FOR ATTY FEES, ETC.

COUNSEL:

DEBRA BLACKMORE (PET)...STANLEY W HODGE

JERRY R JONES SR (CEP)...CALDWELL, KENNEDY & PORTER

LARRY HAYEK (PET)...JAMES BRUCE MINTON FRANCES HAYEK (PET)...JAMES BRUCE MINTON MELODIE SCOTT (PET)...SHERRI L KASTILAHN

JERRY R JONES JR (OBJ)...

GENERAL INFORMATION:

No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002367

CASE NAME: ESTATE OF GEORGE PATSKO

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

JOSEPH T PATSKO (PET)...ZUMBRUNN LAW CORPORATION

GEORGE PATSKO (DEC)...

DEPT OF HEALTH SERVICES/RECOVE(TP)...PRO/PER

GENERAL INFORMATION: Continued from 12-3-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002375

CASE NAME: ESTATE OF NANCY LEE MILLER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

KAREN M MILLER (PET)...PRO/PER

NANCY LEE MILLER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File property tax certificate.
- 2. Please list license numbers and VIN numbers of the automobiles in the inventory and appraisal. File supplement.

RECOMMENDATION:

Require above items to be filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002430

CASE NAME: ESTATE OF MARILYN J WATSON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

NISHON P PAXTON (PET)...VALERIE J MERRITT

MARILYN J WATSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002432

CASE NAME: ESTATE OF AGOSTINO MODICA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

THOMAS MODICA (PET)...LUNDBERG & BAXTER LLP

AGOSTINO MODICA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002433

CASE NAME: MATTER OF NICOLE RACHEL NEWTON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CAROLYN NEWTON (PET)...RAY NEWMAN

NICOLE RACHEL NEWTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. The inventory and appraisal has not been filed.
- 2. No letters have ever issued in this case.

RECOMMENDATION:

Set matter for O.S.C. re removal. Issue a citation and have it personally served on administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002434

CASE NAME: ESTATE OF BARBARA HELEN GERSTKEMPER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOHN C GERSTKEMPER (PET)...PRO/PER BARBARA HELEN GERSTKEMPER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The letters did not issue in this case until 11-5-04. Hence, the inventory and appraisal is not legally due until 3-5-05.

RECOMMENDATION:

Set matter for filing of inventory and appraisal on the first available date after 3-5-05.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002440

CASE NAME: ESTATE OF MARGARET ELSIE ALLAN

HEARING:

Hearing Re: FILING OF INVENTORY AND APPRAISAL.

COUNSEL:

PETER W ALLAN (PET)...CALDWELL, KENNEDY & PORTER, A.

MARGARET ELSIE ALLAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002474

CASE NAME: ESTATE OF JEANNINE B DESILETS

HEARING:

Petition for Probate, Letters of Tstmntry with full authority under IAEA.

COUNSEL:

PAULA DESILETS-AVIS (PET)...DAVID W BROWN

JEANNINE B DESILETS (DEC)...

GENERAL INFORMATION: Special letters issued 9-1-04. Continued from 10-8-04 and 11-12-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Will waives bond.
- 2. Will is not self proving. File proof of subscribing witness.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-12-05. Set hearing for filing of status report and/or accounting for 3-24-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002477

CASE NAME: MATTER OF CONSUELO R CAVALIER 2003 TRUST

HEARING:

Hearing Re: PETN FOR REMOVAL OF TRUSTEE; ETC.

COUNSEL:

ELSA HERNANDEZ (PET)...BRADLEY

CONSUELO R CAVALIER (DEC)...

MARIA HERNANDEZ (OBJ)...THOMAS B. MCCULLOUGH JR.

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002490

CASE NAME: ESTATE OF JAMES S CRICHTON

HEARING:

Petition for Probate, Letters of Tstmntry with full authority under IAEA.

COUNSEL:

NANCIE KANESHIRO (PET)...MCINTIRE LAW CORP

JAMES S CRICHTON (DEC)...

GENERAL INFORMATION: When no one appeared on 11-12-04 the court took the matter off calendar. Petitioner has now placed the matter back on calendar. The notes have not been corrected.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Codicil is not self proving. File proof of subscribing witness.
- 2. Will waives bond.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002495

CASE NAME: ESTATE OF JACK HAMILTON POWERS JR

HEARING:

Petition for Probate, Letters of Tstmntry with full authority under IAEA.

COUNSEL:

SHARON L THIEL (PET)...DIANA DIMAGGIO JACK HAMILTON POWERS JR (DEC)...

GENERAL INFORMATION: Special letters issued 9-29-04. Continued from 11-12-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-12-05. Set hearing for filing of status report and/or accounting for 3-24-06. Any accounting to be filed 30 days in advance.

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CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

.....

CASE #: VPRVS002495

CASE NAME: ESTATE OF JACK HAMILTON POWERS JR

HEARING:

Report Sale and Petition for Order Confirming Sale of Real

Property.

COUNSEL:

SHARON L THIEL (PET)...DIANA DIMAGGIO

JACK HAMILTON POWERS JR (DEC)...

Address 12511 Colbalt Rd., Victorville.

Appraised value **Need inventory and appraisal**

Sale price \$265,900

First overbid \$279,695

Deposit \$2,000 **Insufficient 10% required.**

Commission 5%

Additional bond Will waives bond

Reason for sale Not stated. File supplement

Exposure to market Multiple listings.

Notice Publication not required. Notice mailed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002526

CASE NAME: ESTATE OF LONZO PLUMER

HEARING:

Petition for Probate, Letters of Tstmntry with full authority under IAEA.

COUNSEL:

TONETTE KIRKLAND (PET)...CALDWELL, KENNEDY & PORTER, A. LONZO PLUMER (DEC)...

GENERAL INFORMATION: Matter continued from 12-10-04 for the filing of objections by Patricia Plumer. No objections filed. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.)

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that will waives bond for petitioner acting alone. However, this is only true if the petitioner's sister is dead. That does not appear to be the case. File waivers of bond or set bond in the amount of \$150,000. Supplement filed does not resolve the issue. In the absence of a waiver of bond, set bond in the amount of \$150,000.

RECOMMENDATION:

Recommended for approval subject to bond of \$150,000. Set hearing for filing of inventory and appraisal for 8-12-05. Set hearing for filing of status report and/or accounting for 3-24-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002571

CASE NAME: MATTER OF LORRENE MAE HARDING

HEARING:

Petition to determine succession to Real Property

COUNSEL:

ANTHONY CRAIG HARDING (PET)...SELTERS & SELTERS

ALVIN C HARDING (PET)...SELTERS & SELTERS

LORRENE MAE HARDING (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval absent objection.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002572

CASE NAME: ESTATE OF ILENE P ORLOFF

HEARING:

Spousal Property Petition hearing.

COUNSEL:

BURTON I ORLOFF (PET)...LAWRENCE HOLDEN DAVIS

ILENE P ORLOFF (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File notice of hearing and proof of service.
- 2. Petitioner alleges that all assets were purchased during the marriage with community property assets. However, the decedent wished to open a small business. Property was purchased for that purpose in the decedent's name, as her sole and separate property. Petitioner alleges that this was done on advice of the real estate agent as being easier. Petitioner alleges that there was no writing to establish that the property was to be community property despite how title was held. Petitioner alleges that it was always understood that the property was community.
- 3. As this is real property it would appear that the statute of frauds is applicable. An agreement concerning an interest in real property must be in writing. (Civ. C. § 1624((a)(3)).

RECOMMENDATION:

In the absence of an assignment of interest by the 2 children of the decedent the petition should be denied.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002574

CASE NAME: BURLESS RAY DAY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

RALPH F MORRISON (PET)...PHYLLIS M GALLAGHER BURLESS RAY DAY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. The petitioner is the husband of the sole heir and has been nominated by sole heir. The implication in the petition is that the petitioner works in California, but is a resident of Utah. If this is correct then a statement of permanent residence must be filed
- 2. File notice of hearing and proof of service.
- 3. File proof of publication.
- 4. Section 6(a)(2) of petition not completed. File supplemental.
- 5. Section 6(a)(4) of petition not completed. File supplemental.
- 6. Sole heir waives bond.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002575

CASE NAME: ESTATE OF JOHN SOLINSKY

HEARING:

Petition for Probate, Letters of Tstmntry with full authority

under IAEA.

COUNSEL:

HAROLD SOLINSKY (PET)...CALDWELL, KENNEDY & PORTER, A.

JOHN SOLINSKY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. All heirs waive bond.
- 2. File notice of petition to administer estate.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002576

CASE NAME: ESTATE OF WILLIAM D PIERPONT

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

BILLIE PIERPONT (PET)...RIPLEY & ASSOCIATES

WILLIAM D PIERPONT (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File proof of publication.
- 2. All heirs waive bond.

RECOMMENDATION:

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01309

CASE NAME: ESTATE OF JAMES EDWARD SULLIVAN

HEARING:

OSC re: FILING OF RECEIPTS

COUNSEL:

STANLEY SULLIVAN (PET)...PRO/PER

JAMES EDWARD SULLIVAN (DEC)...

SHIRLEY GOODING (RES)...CALDWELL, KENNEDY & PORTER, A.

STANLEY SULLIVAN (PRO/PER)...PRO/PER

GENERAL INFORMATION: Continued from 6-25-04 and 11-12-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of final discharge order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No final discharge order filed.

RECOMMENDATION:

Order counsel to file final discharge order.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01586

CASE NAME: ESTATE OF WILLIAM BASINGER

HEARING:

Hearing Re: DEFAULT PROVE UP.

COUNSEL:

LOIS L ARMOUR (PET)...DELWICHE & VON DOLLEN BARRON CHRISTIAN (PET)...DELWICHE & VON DOLLEN

WILLIAM BASINGER (DEC)...

GENERAL INFORMATION: this matter was set for an evidentiary hearing concerning a petition to transfer estate assets to the estate. At the time set for hearing counsel indicated that the matter was settling. Continued from 6-25-04. Counsel has provided proof of notice to Kim Sandoval of the hearing. Matter was again continued from 11-12-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON default prove up.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Counsel has filed a declaration and a copy of a disclaimer signed by Kim Sandoval.
 Counsel indicates that the disclaimer has been sent to the bank holding the
 accounts and expects that the funds will be released to the estate by the time of the
 hearing.

RECOMMENDATION:

Proceed with default prove-up.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01870

CASE NAME: ESTATE OF ROSEMARY BARBARA POLITO

HEARING:

Hearing Re: FINAL ACCOUNTING.

COUNSEL:

JOHN YEAGER (PET)...DEBRA S POPINEAU

ROSEMARY BARBARA POLITO (DEC)...

VALERIE FUNK (TP)...HARTNELL HORSPOOL & FOX

JEANINE WILKER (HARTNELL HORSPOOL & FOX)...HARTNELL KIMBERLY OLSEN (HARTNELL HORSPOOL & FOX)...HARTNELL

DAVID . MIRRAFATI (STUART W KNIGHT)...STUART W

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No final accounting filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01908

CASE NAME: ESTATE OF ERNEST B JONES AKA ERNEST BAXTER JONES

HEARING:

Hearing Re: STATUS REPORT/ACCOUNTING.

COUNSEL:

WELLS FARGO BANK NA (PET)...RORY W CLARK

ERNEST B JONES (DEC)...

JAMES BREWER (PET)...VALERIE WHITWORTH

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 11-12-04 the court granted the spousal property petition. Based on the statements contained in the file, this distributed all assets of the estate. It is therefore necessary to file a Pr.C. § 12251 petition. No accounting, status report or 12251 petition have been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01954

CASE NAME: ESTATE OF DIANA TEPLOW

HEARING:

Hearing Re: STATUS OF ADMINISTRATION.

COUNSEL:

DAVID TEPLOW (PET)...JANET M HERRING

DIANA TEPLOW (DEC)...

BRENT MCCONNELL (OBJ)...EDWARD G. OPERINI

GENERAL INFORMATION: Continued from 11-12-04.

THIS CASE IS SET FOR HEARING ON status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate was not in a condition to close due to objections and petitions that were filed by Brent McConnell. Those matter have now been settled.

RECOMMENDATION:

See next page on calendar.

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CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01954

CASE NAME: ESTATE OF DIANA TEPLOW

HEARING:

FIRST and Final Account and Report.

COUNSEL:

DAVID TEPLOW (PET)...JANET M HERRING

DIANA TEPLOW (DEC)...

BRENT MCCONNELL (OBJ)...EDWARD G. OPERINI

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File notice of hearing and proof of service.
- 2. Statutory fees are \$8,424.83.
- 3. There is a request to withhold \$3,000 closing costs.
- 4. File order after hearing.

RECOMMENDATION:

Recommended for approval subject to number 1. Set hearing for filing of receipts and final discharge order for 3-24-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02019

CASE NAME: ESTATE OF TINA L REINER

HEARING:

Hearing Re: FILING OF RECEIPTS/FINAL DISCHARGE.

COUNSEL:

LAWRENCE REINER (PET)...JAMES BRUCE MINTON

TINA L REINER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or discharge have been filed. Clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02074

CASE NAME: ESTATE OF CHRSTABELL A BALCH

HEARING:

Accounting Review

COUNSEL:

CHRISTABELL QUICK (PET)...SHERRI L KASTILAHN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting/status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No status report or accounting has been filed. The clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

.....

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02102

CASE NAME: ESTATE OF ARTHUR LEE HINSON

HEARING:

Hearing Re: FIRST ACCOUNTING REVIEW OF ESTATE.

COUNSEL:

DOLORES SEE HINSON (PET)...STANLEY W HODGE

ARTHUR LEE HINSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first accounting review of estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. The summary of account is not done in accord with the requirements of Pr.C. § 1060 et seq. Specifically, set forth your summary of account in the format set forth in Pr.C. § 1061(b).
- 2. Schedule A bank deposits, does not set forth the derivation of the assets. Please file supplemental. Also the deposits exceed the amount set forth in the inventory and appraisal. Is a corrected inventory and appraisal necessary or are these after acquired assets?
- 3. There are some disbursements that appear inappropriate. First, counsel took a \$2,500 retainer. The final inventory and appraisal showed \$31,331.56. The accounting shows a deposit of \$54,226.20. Based on the higher figure the total statutory fees would be \$2,169.45 and are generally not paid until the conclusion of the case. Contract for fees in excess of the amount set forth in the code is void. Second, an expense of \$3,267 was charged for tax returns. Based on the assets of the estate this would appear to be excessive.
- 4. There is no status report accompanying this accounting. Therefore the court cannot determine what has already been done and what remains to be done.

RECOMMENDATION:

Require petitioner to file a proper summary of account. Require petitioner to file supplement explaining questioned expenditures. Require petitioner to file a proper status report. Require petitioner to file information on derivation of deposits. Require petitioner to explain why not all assets were included in the inventory and appraisal.

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CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02102

CASE NAME: ESTATE OF ARTHUR LEE HINSON

HEARING:

Hearing Re: FILING OF STATUS REPORT.

COUNSEL:

DOLORES SEE HINSON (PET)...STANLEY W HODGE

ARTHUR LEE HINSON (DEC)...

GENERAL INFORMATION: see preceding page.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02148

CASE NAME: ESTATE OF LUCILE FRANCES HAYES

HEARING:

Hearing Re: CONTEST/OPPOSITION TO PROBATE OF WILL.

COUNSEL:

MARVIN FREDERICK HAYES JR (PET)...MURTAUGH, MILLER, MEYER & NELS LUCILE FRANCES HAYES (DEC)...

DIANE MEANS (PET)...RICHARD G ANDERSONGENERAL INFORMATION: Continued from 3-26-04, 5-28-04 and 8-6-04. Nothing new filed. On 8-6 the court indicated that the matter would be tried as a will contest. Court indicated that negotiations were proceeding.

THIS CASE IS SET FOR HEARING ON contest/opposition to probate of will

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. The parties entered into a stipulation on 8-22-03. The terms of the stipulation are somewhat confusing. Stipulation indicates that Marvin Hayes is appointed administrator and then it later says that the court reserves jurisdiction over appointment of a successor administrator or executor. The settlement indicates that the will contest is still pending. If a will contest is pending does this mean that the will is not admitted to probate? Did the parties really mean that Hayes was appointed special administrator pending the outcome of the will contest?
- 2. The matter is set for the filing of objections and opposition to the will contest. There is no proof of service of the will contest. Service is required in the same manner as a summons. In fact a summons must be issued and served. There is no proof of this in the file. However, administrator has filed an answer. It would therefore appear that he has subjected himself to the jurisdiction of the court. **We now have a notice and acknowledgement of receipt.**

RECOMMENDATION:

Matter is contested and should be set down on the contested calendar. Court should determine if the parties need time for discovery. Then set matter for MSC.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02189

CASE NAME: ESTATE OF MARY JEWEL TILLMON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

TOMMIE TILLMON (PET)...GABRIELLE R. RANSDELL

MARY JEWEL TILLMON (DEC)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02246

CASE NAME: ESTATE OF MICHAEL WAYNE STAKELY

HEARING:

Accounting Review

COUNSEL:

CAROLE STAKLEY (PET)...DIANA CARLONI NOURSE

MICHAEL WAYNE STAKLEY (DEC)...

APRIL STAKLEY (TP)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

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DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02247

CASE NAME: ESTATE OF GENEVIEVE H DRAKE AKA

HEARING:

Accounting Review

COUNSEL:

SANDRA M DRAKE (PET)...HAWS, RECORD & MAGNUSSON LLP

GENEVIEVE H DRAKE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting/status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02296

CASE NAME: ESTATE OF SHIRLEY JOYCE ANGELONE

HEARING:

Hearing Re: PETN FOR WAIVER OF APPRAISAL BY PROBATE REFEREE.

COUNSEL:

DERRELL FRED LELAND (PET)...PRO/PER SHIRLEY JOYCE ANGELONE (DEC)...

GENERAL INFORMATION: Continued from 11-5-04 and 11-12-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for waiver of appraisal by probate referee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. File notice of hearing and proof of service on probate referee Bernard Bidart.
- 2. The basis for the request is that an appraisal on the real property was done by a professional appraiser and the value of the autos was determined by reference to the Kelly Blue Books. It should be noted that the code requires that the value of the appraised item must be as of the date of death of the decedent. The decedent died on 9-9-03 and the appraisal is valued as of 10-23-03. These dates are 7 weeks apart and are therefore not in compliance with the requirements of the code.
- 3. Waiver of the probate referee is permitted by Pr.C. § 8903, for good cause shown. The matter is within the discretion of the court. An appraisal is required, whether done by the probate referee or some other method of appraisal. Note: waiver of probate referee is rarely granted. (Ross, *California Practice Guide: Probate* § 6:60.3).

RECOMMENDATION:

Need proof of service on probate referee. Then Judge to decide.

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CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02296

CASE NAME: ESTATE OF SHIRLEY JOYCE ANGELONE

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DERRELL FRED LELAND (PET)...PRO/PER SHIRLEY JOYCE ANGELONE (DEC)...

GENERAL INFORMATION: Continued from 11-12-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a petition to waive the requirement of an appraisal by the probate referee. That is the preceding matter on the calendar.

RECOMMENDATION:

Court will have to rule on matter on preceding page before we can proceed with this matter. Petitioner has filed a photocopy of an inventory and appraisal done without a probate referee. Even if the court does grant the petition on the preceding page we will need the original.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02319

CASE NAME: ESTATE OF PAUL D WESTMAN AKA PETE WESTMAN

HEARING:

Hearing Re: FIRST/FINAL ACCOUNT AND REPORT (SPECIAL ADMINISTRA.

COUNSEL:

PAUL D WESTMAN SR (PET)...JAMES BRUCE MINTON

PAUL D WESTMAN JR (DEC)...

JULIA WESTMAN (PET)...HAROLD SMITH ESQ.

LAURA FRANCIS (TP)...LAW OFFICE OF BURKE W WILLSEY INTERNAL REVENUE SERVICE (PRO/PER)...PRO/PER

GENERAL INFORMATION: covers 3-29-04 through 8-15-04. Continued from 10-1-04 at the request of counsel for the general administrator. Again continued from 12-10-04. Nothing new filed

THIS CASE IS SET FOR HEARING ON first and final report and account of special administrator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. To date the costs have been incurred in the amount of \$1,338.50. Special administrator advanced \$750 and attorney advanced \$588.50. Petitioner requests that they be reimbursed for these costs.
- 2. Petitioner alleges that total statutory fees based on the information currently available to the petitioner would be \$11,439.48. Petitioner requests that he and his attorney receive \$6,000 each of the statutory fees. Attorney also request that she receive \$3,500 in extra-ordinary fees. Counsel has provided adequate declaration to support the request for extra-ordinary fees.
- 3. Accounting looks ok.
- 4. There is no objection in the file.

RECOMMENDATION:

As a general rule the court reserves on the issue of fees until the time of the final accounting in the case. Recommend that the court approve the accounting absent objection, but reserve on the fees until the conclusion of the case. Order for reimbursement of costs looks ok.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

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DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02341

CASE NAME: ESTATE OF RACHEL MARIE NORRIS

HEARING:

Hearing Re: Inventory & Appraisal.

COUNSEL:

MELODIE Z SCOTT (PET)...HARTNELL HORSPOOL & FOX

RACHEL MARIE NORRIS (DEC)...

GABRIELLE R RANSDELL (TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02343

CASE NAME: ESTATE OF PHILLIP JOHN ORTGIES

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

PHYLLIS GENE ORTGIES (PET)...CHRISTINA FERRANTE
JOHN HENRY ORTGIES (PET)...CHRISTINA FERRANTE

PHILLIP JOHN ORTGIES (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

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DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02345

CASE NAME: ESTATE OF TED DOMINGUEZ

HEARING:

Hearing Re: FILING OF INVENTORY AND APPRAISAL.

COUNSEL:

DEBRA L DOMINGUEZ (PET)...CALDWELL, KENNEDY & PORTER, A.

TED RICHARD DOMINGUEZ (DEC)...

ANTHONY R DOMINGUEZ (OBJ)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Inventory and appraisal has been filed.
- 2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.

RECOMMENDATION:

Require security statements to be filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS2374

CASE NAME: IN THE ESTATE OF VIRGIL L MONTGOMERY

HEARING:

OSC re: CONTEMPT

COUNSEL:

VIRGIL MONTGOMERY (PLA)... VIRGIL L MONTGOMERY (PLA)...

J D MONTGOMERY (PET)...LAW OFFICE OF RICHARD L BORGEN GENERAL INFORMATION: Continued from 11-12-04. Court issued bench warrant and held it until 2-18-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON O.S.C. re contempt for failure to file status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. Court issued a citation and ordered it personally served. The citation was served. Court has bench warrant jurisdiction.
- 2. No status/accounting filed.

RECOMMENDATION:

Find administrator in contempt. Issue sanctions in the amount of \$35 (cost of service of citation) or more. Set matter for O.S.C. re removal. Have clerk give notice to administrator and bonding company (see green tab in file).

State of California Superior Courts

Page: ADD ON

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RUFUS YENT

DATE:02/18/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS 002477

CASE NAME: MATTER OF CONSUELO R CAVALIER 2003 TRUST

HEARING: PETN FOR REMOVAL OF TRUSTEE, ETC.

COUNSEL:

HERNANDEZ, ELSA (PET)...BRADLEY R. KIRK

CAVALIER, CONSUELO R (DEC)...

HERNANDEZ, MARIA (OBJ)...THOMAS B. MCCULLOUGH JR.

GENERAL INFORMATION: Continued from 1-14-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to order trustee to account and distribute or in the alternative account, remove trustee, appoint petitioner as temporary and then permanent trustee, for attorney fees and damages and to surcharge the trustee for any damages.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1. The trust became irrevocable on 6-15-03. The trustee was to distribute the trust equally between herself and the petitioner. To date the estate has not been distributed and the trustee has failed to properly account.
- 2. Notice appears to be complete.
- 3. Petitioner wishes the court to award her attorney fees, costs and damages pursuant to Pr.C. § 16061.9 and wishes the court to surcharge the trustee for these fees, costs and damages. However, that section merely deals with attorney fee, cost and damages arising out of the failure to give the notice required in Pr.C. § 16061.7. Petitioner will have to establish that her fees, costs and damages are a direct result of the failure to give notice. This does not appear likely to occur.
- 4. Objections filed by Maria Hernandez, Trustee.
- 5. Trustee has filed a notice of informal first account on the petitioner.

RECOMMENDATION:

Set for contested hearing.